

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. APPLN. NO. 09/659,453
ATTORNEY DOCKET NO. Q60663

REMARKS

Claims 1-9 have been examined on their merits.

Applicants herein amend claims 1, 5 and 7 to more clearly recite that the tariff server is not part of an exchange, and is coupled to a plurality of exchanges. Claims 1-7 have also been amended for reasons of precision of language. No new matter has been added by the amendments to claims 1-7.

Applicants herein add new claims 10-12. The new claims are supported by the originally filed specification, and do not add any new matter. Entry and consideration of the new claims 10-12 is respectfully requested.

Claims 1-12 are all the claims presently pending in the application.

1. Claims 1-9 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Krank *et al.* (U.S. Patent No. 6,002,755). Applicant traverses the rejection of claims 1-9, and insofar as the rejection might apply to new claims 10-12, for at least the reasons discussed below.

To support a conclusion that a claimed invention lacks novelty under 35 U.S.C. § 102, a single source must teach all of the elements of a claim. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379 (Fed. Cir. 1986). A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). A single source must disclose all of the claimed elements arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Rejections under 35 U.S.C. § 102

are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus, the cited reference must clearly and unequivocally disclose every element and limitation of the claimed invention.

Krank *et al.* fail to teach or suggest an independent tariff server that is connected to a plurality of exchanges and receives tariff requests from the exchanges, processes the tariff requests and outputs a tariff response, as recited in independent claim 1. Instead, Krank *et al.* discloses that the call charge device (CHARGE) is resident in the exchange (EX1) and comprises a calculating device (CALC) and a signal generator (GEN). A charge determination device (CHUN) is connected to the calculating device. *See* Figure 3; col. 5, lines 23-34 of Krank *et al.* There is no disclosure in Krank *et al.* that the other exchanges in the telecommunication network send tariff requests to the charge determination device and call charge device to one particular exchange and receive back a tariff response. *See, e.g.*, Figure 1; col. 2, lines 52-57 of Krank *et al.* Instead, each exchange in the disclosure of Krank *et al.* calculates a tariff response within the exchange, and does not rely upon an independent server for tariff calculations in response to a tariff inquiry.

With respect to dependent claim 4, Applicant disagrees that Krank *et al.* disclose a bill server as recited in claim 4. Other than a general reference to the entirety of column 5 and Figure 3 of Krank *et al.*, the Examiner has not identified any specific passage within Krank *et al.* that even remotely discloses a bill server.

Based on the foregoing reasons, Applicant submits that Krank *et al.* fail to disclose all of the claimed elements as arranged in claim 1. Therefore, under *Hybritech* and *Richardson*, Krank

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et al. clearly cannot anticipate the present invention as recited in independent claim 1. Thus, Applicant submits that claim 1 is allowable, and further submits that claims 2-4 and new claim 10 are allowable as well, at least by virtue of their dependency from claim 1. Applicants respectfully request that the Examiner withdraw the § 102(e) rejection of claims 1-4.

With respect to claim 5, Krank *et al.* fail to teach or suggest an independent tariff server that is connected to a plurality of exchanges and receives tariff requests from the exchanges, processes the tariff requests and outputs a tariff response. As discussed above with respect to claim 1, there is no disclosure in Krank *et al.* that the other exchanges in the telecommunication network send tariff requests to the charge determination device and call charge device to one particular exchange and receive back a tariff response. *See, e.g.*, Figure 1; col. 2, lines 52-57 of Krank *et al.* Instead, each exchange in the disclosure of Krank *et al.* calculates a tariff response within the exchange, and does not rely upon an independent server for tariff calculations in response to a tariff inquiry. Furthermore, other than a general reference to the entirety of column 5 and Figure 3 of Krank *et al.*, the Examiner has not identified any specific passage within Krank *et al.* that even remotely discloses a bill server.

Thus, under *Hybritech* and *Richardson*, Applicant submits that claim 5 is allowable, and further submits that claim 6 and new claim 11 are allowable as well, at least by virtue of their dependency from claim 5. Applicants respectfully request that the Examiner withdraw the § 102(e) rejection of claims 5 and 6.

With respect to claim 7, Krank *et al.* fail to teach or suggest an independent tariff server that is connected to a plurality of exchanges and receives tariff requests from the exchanges,

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processes the tariff requests and outputs a tariff response. As discussed above with respect to claim 1, there is no disclosure in Krank *et al.* that the other exchanges in the telecommunication network send tariff requests to the charge determination device and call charge device to one particular exchange and receive back a tariff response. *See, e.g.*, Figure 1; col. 2, lines 52-57 of Krank *et al.* Instead, each exchange in the disclosure of Krank *et al.* calculates a tariff response within the exchange, and does not rely upon an independent server for tariff calculations in response to a tariff inquiry.

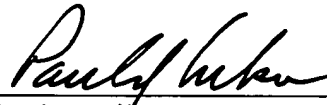
Thus, under *Hybritech* and *Richardson*, Applicant submits that claim 7 is allowable, and further submits that claims 8, 9 and new claim 12 are allowable as well, at least by virtue of their dependency from claim 7. Applicants respectfully request that the Examiner withdraw the § 102(e) rejection of claims 7-9.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,



Paul J. Wilson
Registration No. 45,879

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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